

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MECCATECH, INC.,	)	CASE NO. 8:05CV570
	)	
Plaintiff,	)	
	)	
vs.	)	SCHEDULING ORDER
	)	
SARAH SHEPHERD,	)	
PAT BARIL,	)	
STRATEGIC GOVERNMENTAL	)	
SOLUTIONS, INC.,	)	
GARY LANGE,	)	
JOSEPH J. O'HARA, and	)	
EDUCATIONAL SERVICES &	)	
PRODUCTS, LLC,	)	
	)	
Defendants.	)	

In the spring and summer of 2008, defendants Strategic Governmental Solutions, Inc. (SGS), Educational Services & Products, LLC (ESP) and Joseph J. O'Hara filed bankruptcy petitions in the Northern District of New York. Accordingly, this case was referred to the bankruptcy court in accordance with 28 U.S.C. § 157 and NEGenR 1.5(a)(1) (see Filing No. [430](#)). Plaintiff (MTI) obtained relief from the automatic stay and, on October 2, 2008, the reference of this case to the Bankruptcy Court was withdrawn (see Filings Nos. 456 & 467) so that MTI could go forward with litigation to liquidate its claims against the defendants. After soliciting the parties' input as to matters that needed to be addressed, several matters were addressed. However, there has been no action in this case since December 2, 2009.

The records of the court show that bankruptcy proceedings remain pending in the Northern District of New York as to defendants SGS, ESP, and O'Hara:

08-11400 Matter of Educational Services & Products, LLC (Ch. 11)  
08-11047 Matter of Strategic Governmental Solutions, Inc. (Ch. 7)  
08-12108 Matter of Joseph J. O'Hara (Ch. 7).

Default has been entered in this court against defendants Gary Lange, Joseph J. O'Hara, ESP and SGS<sup>1</sup>. Claims also remain pending against defendants Sarah Shepherd and Pat Baril, who are not in default. While there has been considerable activity in the three bankruptcy proceedings, there has been no activity in this case for almost 10 months.

**IT IS ORDERED** that counsel shall, no later than **October 15, 2010**, file a joint status report, or separate status reports, concerning the progression of this case to final judgment and the effect, if any, of the pending bankruptcy cases in the Northern District of New York on this litigation. The status report(s) shall address the likelihood that any of the pending claims will be settled, and shall include a proposed schedule for proceeding in this court to liquidate MTI's claims against all remaining defendants.

DATED this 20<sup>th</sup> day of September, 2010.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge

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<sup>1</sup> Default was entered against SGS on February 6, 2008 (Filing No. [350](#)) due to the withdrawal of SGS' attorney. The entry of default was to be set aside if substitute counsel entered an appearance before March 5, 2008. On April 2, 2008, attorney George C. Cushingberry, Jr. entered an appearance for SGS and moved to set aside the entry of default (see Filing No. [392](#)). The motion was administratively terminated on April 28, 2008 when this case was referred to the bankruptcy court (see Order of Reference, Filing No. [430](#)). In a scheduling order filed October 9, 2008 (Filing No. [468](#)), the parties were given until October 24, 2008 to designate any motions or requests that should be reopened after the withdrawal of reference. SGS did not renew or reassert its motion.